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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,556

Applicant(s)

DIAZ ET AL.

Examiner

James O. Hansen

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-17, 19-27, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14, 16, 17, 19-22, 24-27, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 15 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-14 & 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamirani [U.S. Patent No. 5,673,174] in view of Johnson [U.S. Patent No. 3,803,670]. Hamirani (figures 1-12) teaches of a computer case, comprising: a side panel (one panel of cover 30 – consists of a plurality of panels) having a plurality of holes (note fig. 11 for example); a cover panel (32) for attachment to the side panel, the cover panel having a corresponding plurality of holes (fig. 11); a plurality of feet (42) each insertable through one of the holes in the cover panel and through the corresponding hole in the side panel of the computer case for retaining the cover panel on the side panel of the computer case such that the side panel remains visible around the majority of the periphery of the cover panel. The cover panel having an interior surface corresponding in shape (flat) to an exterior surface of the side panel (depicted in fig. 12 for example). The feet may be viewed as “hole plugs” when given a reasonable and broad interpretation. It is noted that a conventional computer case consists of at least six sides. The sides being covered by some type of panel / cover / casing etc. As such, the position is taken that in the absence of specific references to the orientation or interconnection of elements of the case within the claims, any side may be viewed as the “side panel”.

Art Unit: 3637

Hamirani teaches applicant's inventive claimed structure as disclosed above, but does not disclose the feet used to attach the cover panel to the side panel as being "elastomeric feet" as prescribed and defined by applicant. Johnson (figures 1-5) is cited as an evidence reference to show that it was known in the art to utilize a resilient and flexible "foot" having a cover portion (24), legs (26) extending from the cover portion and a shoulder portion (28) at the ends of each leg [the foot may be viewed as a "hook" as best understood by the examiner] so as to joining adjacent panels together. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize a flexible foot [fastener] as taught by Johnson to secure adjoining panels of computer casing since this arrangement would allow the panels to be fastened together without the use of tools, thereby conserving time [during assembly] and saving money [labor costs associated with assembly]. Additionally, it is further noted that the suggestion to modify the teachings of the prior art (type of fastener) is found in the reference itself [note col. 4., lines 1-3], wherein the prior art notes that any type of conventional fastener means i.e., a "snap" fastener may be utilized to secure the cover panel to the device. It is noted that the method of preparing [painting] elements of the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. Conversely, it is well established that computer cases exhibit a painted / protective coating so as to protect the case's finish while presenting an aesthetically appealing product.

As to the case comprising a plurality of cover panels for attachment to opposite side panels, the examiner has taken the position that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the

Art Unit: 3637

computer case of the prior art so as to incorporate multiple cover panels depending upon the personal preference or needs of a user, since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art [allow a user to access either side of the structure if warranted – for example].

As to the type of material utilized to form the cover panel, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the type of material used to form the cover panel, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use depending upon the personal preference or needs of the user.

3. Claims 8-10, 19-22, 24-27 & 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward [U.S. Patent No. 5,826,882] in view of Johnson [U.S. Patent No. 3,803,670]. Ward (figures 1-23b) teaches of a “computer” case [a “computer” case in the sense that the claimed structure does not recite any positively claimed “computer components”, as such the case of Ward is deemed to be applicable since the claimed structural features are met by the reference], comprising: opposite side panels (52) having a plurality of holes (65); a pair of cover panels (77) for attachment solely to a respective side panel, the cover panels each having a corresponding plurality of holes (75) and overlying a majority of each respective side panel (see fig. 23a), and each panel further comprising a plurality of attachment means/feet (bolt, screws, or other removable locking means – col. 8) in the same locations of the holes for both the side and cover panels for securing the cover panels to respective side panels. The cover panel having an interior surface corresponding in shape to an exterior surface of the side panel (depicted in fig. 23a for example). The

Art Unit: 3637

attachment means may be viewed as “hole plugs” when given a reasonable and broad interpretation.

Ward teaches applicant's inventive claimed structure as disclosed above, but does not disclose the attachment means/feet used to attach the cover panel to the side panel as being “elastomeric feet” as prescribed and defined by applicant and does not show the cover panel as being a plastic material. Johnson (figures 1-5) is cited as an evidence reference to show that it was known in the art to utilize a resilient and flexible “foot” having a cover portion (24), legs (26) extending from the cover portion and a shoulder portion (28) at the ends of each leg [the foot may be viewed as a “hook” as best understood by the examiner] so as to joining adjacent panels together. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize a flexible foot [fastener] as taught by Johnson to secure adjoining panels of computer casing since this arrangement would allow the panels to be fastened together without the use of tools, thereby conserving time [during assembly] and saving money [labor costs associated with assembly].

As to the material of the panels, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the type of material used to manufacture the case depending upon the needs of the user or attributes wanted in the structure. Such a modification has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious choice depending upon the requirements of a user.

It is noted that the method of preparing [painting] elements of the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has

Art Unit: 3637

not been given patentable weight. Conversely, it is well established that case structures utilized in a public environment, exhibit a painted / protective coating so as to protect the case's finish while presenting an aesthetically appealing product.

As to the claimed "method" aspects, the prior art teach applicant's basic inventive claimed concept as structurally disclosed above, but do not specifically state a "method" of installing of installing panels on side panels of a case structure.

However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to install panels as prescribed by applicant's method i.e., positioning a cover panel on a side panel so that the side panel remains visible around the majority of the periphery of the cover panel, and inserting fasteners into aligned holes located on both panels to secure the cover panel solely on the side panel, because the normal assembly (or normal use of Ward's structure) would inherently encompass the steps as set forth.

Allowable Subject Matter

4. Pending further review, consideration and an updated search, Claims 15 & 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed March 28, 2005 with respect to the Hamirani reference in view of Johnson [claims 11-14 & 16-17] have been fully considered but they are not persuasive. The remark that the characterization of the recited "cover

Art Unit: 3637

panel” of Hamirani [office action] is not a cover panel as recited in claim 11 is viewed to be without merit. Applicant relies on the statement that “without cover panel 32 the interior of the system unit would be exposed”. This statement may be correct, but that does not preclude the use of the reference since 1) the reference still teaches the claimed elements as structurally disclosed [i.e., a panel with holes that is secured to another panel with mating holes] and 2) aspects of the “exposed” interior of the case statement are not limitations/features recited within the claims. As to the plurality of cover panels remark, the examiner deems the limitation adequately addressed in the above rejection wherein the duplication of a known removable cover panel is viewed as not rising to the level of novelty in view of the references cited and remarks made of record.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3637

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fiora et al., teaches of a computer case with removable cover panels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
June 24, 2005